

**MINUTES OF THE MEETING
OF THE
BOARD OF CHIROPRACTIC**

March 23, 2006

ROLL CALL

Gaylord Hanssen, Chairperson, called the meeting of the Board of Chiropractic to order at 9:00 a.m., on Thursday, March 23, 2006 in Conference Room 6-Y, State Office Building, 301 Centennial Mall South, Lincoln, Nebraska. The meeting was duly publicized by distribution of the Notice of Meeting and Agenda 10 days prior to the meeting and posting the agenda at the entrance of the of the Department of Health and Human Services at least twenty-four (24) hours prior to the meeting.

The following Board members and HHSS Staff were present at the meeting:

Gaylord Hanssen, DC, Chairperson
Laurie Scholl, Vice-Chair
Lance Earhart, DC, Secretary
Kevin Davis, DC, Professional Member

Diane Hansmeyer, Section Administrator
Delores James, Credentialing Coordinator
Susan Strong, Assistant Attorney General
Marilyn Anderson, Assistant Attorney General
Barb Remmers, Investigator
Loretta Bennett, Investigator,
Mike Grutsch, Program Manager for Investigations
Bob Semerena, Administrator for Investigations
Daryl Wills, DC, Board of Health
Ruth Schultz, Compliance Monitor
Marcia Cederdahl, Section Administrator

Adoption of the Agenda

Davis moved, seconded by Scholl, for adoption of the agenda with the following additions: 1) Under Old Business; E. Chiropractic/Veterinary Issue, and 2) under Regulation Review; CEU. Voting aye: Hanssen, Earhart, Davis and Scholl. Voting nay: None. Not voting: None. Motion carried.

Approval of Minutes

December 9, 2005

Davis moved, seconded by Earhart, to approve the minutes for December 9, 2005 board meeting with the following corrections: 1) Correct the spelling of “**trans-dermal**” under the topic heading of; **Training Required to use Surface EMG in Office** (page 2, third paragraph, first sentence). Voting aye: Earhart, Davis, Scholl and Hanssen. Voting nay: None. Not voting: None. Motion carried.

December 22, 2005

Earhart moved, seconded by Scholl, to approve the minutes for the December 22, 2005 conference call. Voting aye: Scholl, Hanssen and Earhart. Voting nay: None. Abstaining: Davis. Motion carried.

INVESTIGATIONAL REPORT (Closed Session)

Davis moved, seconded by Earhart, to move into closed session at 9:15 a.m. for the purpose of hearing Investigational Reports and to discuss Doctor Patient Relationships and to protect the reputation of individuals. Voting aye: Davis, Scholl, Hanssen and Earhart. Voting nay: None. Not voting: None. Motion carried.

Out of Closed Session

Davis moved, seconded by Earhart, to come out of closed session at 2:05 p.m. Voting aye: Scholl, Hanssen, Earhart and Davis. Voting nay: None. Not voting: None. Motion carried.

Davis left the meeting at 10:55 a.m. and re-entered at 12:34 p.m.

Wills left the meeting at 10:07 a.m. and re-entered at 10:20 a.m.

Hanssen left the meeting at 10:22 a.m. and re-entered at 10:25 a.m.

Semerena left the meeting at 11:25 a.m.

Break 11:25 a.m.

Reconvened at 11:40 a.m.

Board of Health

Daryl Wills, Nebraska Board of Health member, discussed the following concerns of the Board of Health and asked the Chiropractic Board to discuss these issues and provide feedback at a later date; 1) Accessibility of health care to ensure that people without insurance get proper health care; 2) Decreasing the cost of health care to make sure services are affordable to the general public; 3) The issue with chiropractors and veterinary medicine regarding chiropractic treatment for animals; 4) How to improve the interviewing process in order to attract capable and committed people from all regions of the State to serve on the various boards; and 5) How the Board of Health could assist the chiropractic board in carrying out their duties and responsibilities.

Wills said that there is an acute shortage of DC's holding masters in public health and suggested that the Board might consider going on record about the need of chiropractors to hold a masters in public health and the need for financial assistance in obtaining this degree. He said the key is to get people interested.

Wills invited Hanssen, as the chairperson of the Board of Chiropractic, to address the BOH at some future date in order to discuss some of the issues that he brought up today. Hanssen accepted the invitation and said that the Board would discuss these issues and get back to Wills with the results. He also offered their assistance to the veterinary board in setting up practice, standards and protocol.

Wills stated that it is not only the chiropractic board that is involved in the veterinary issue. It is dentist and massage therapists because it is a multifaceted issue.

Regulation Revision of Chapter 25 (Attachment A)

The Board discussed agenda item X-A, "Regulation Revision of Chapter 25" in order for Wills to hear and participate in the discussion. Hansmeyer gave board members a copy of the amendments to LB 2598 and stated that this proposed legislation had been amended into LB 994.

There were several concerns voiced about the bill because some people view the changes as scope of practice changes and felt that they should have gone through the 407 process. Hanssen said that grades 1-4 manipulations are part of the scope of practice of physical therapy and these types of procedures can be performed without a lot of training, but grade 5 is something that chiropractors have been trained to perform and this training can not be covered in a weekend seminar. He said that normally before a person is qualified to deliver grade 5 manipulations they must have a basic core level of minimum competency, which includes laboratory, practical testing, and regular testing.

Wills asked Hansmeyer about the current scope of practice of physical therapy. Hansmeyer read from Neb. Rev. Stat. §71-2801...Physical therapy means the treatment of any bodily condition of any person by the use of the physical, chemical, and other properties of heat, light, water, and therapeutic purpose, including cauterization.

Hansmeyer said that the statutes require that anybody who wants to change their scope of practice must go through the 407 process. However, the Department made a ruling that the changes that physical therapy requested were not considered scope of practice changes, they are clarification changes.

Motion on LB 994

Davis moved, seconded by Earhart, that the Board's opinion relative to LB 994 is that there are issues with this amendment, which they feel, increases the scope of practice for physical therapy and not only for certain manipulations, but other issues related to access to PT and PTA. The Chiropractic Board is opposed to the proposed bill until further training in grade 5 manipulations can be done in order to bring physical therapists up to current chiropractic education standards for the protection of the public. Voting aye: Hanssen, Earhart, Scholl and Davis. Voting Nay: None. Not voting: None. Motion carried.

Wills left the meeting at 2:47 p.m.

NBCE EXAMINATIONS

Ethics & Boundaries Exam (Attachments B & C)

Special Purposes Examination for Chiropractic (Attachment D)

Hansmeyer received a letter from the National Board of Chiropractic Examiners (NBCE) announcing the computerized Ethics and Boundaries Examination (E&B). NBCE began offering the examination in February 2006 and it will be offered six times per year at computerized testing centers nationwide along with the NBCE Post-Licensure examination – the Special Purposes Examination in chiropractic (SPEC).

Individuals wishing to take either examination would have to register with NBCE. They would then get an authorization to test letter and would have to go to a personal testing center. Hansmeyer said that the Board could consider using these examinations in place of courses, when licensees get into trouble.

Hansmeyer gave the board an update on the health condition of Dr. Horace Elliott.

INCREASE EDUCATIONAL STANDARDS

The Board discussed the Council on Chiropractic Education Standards and Hanssen stated that he wanted the Board to support the current educational system as far as chiropractic colleges are
Chiropractic Bd. Mtg. Minutes
March 23, 2006
Page 4

concerned or the requirements for entering chiropractic colleges.

Motion In Support of CCE

Davis moved, seconded by Scholl that the Board continue to approve credentialing by the Council on Chiropractic Education (CCE) and the NBCE minimal scores. Voting aye: Earhart, Scholl, Davis and Hanssen. Voting nay: None. Note voting: None. Motion carried.

REGULATION REVIEW

Hansmeyer stated that she would be putting the subject of regulations review on all agendas in order to get information on changes that are needed. She also asked the Board to review and give feedback on the Federation of Associations of Regulatory Boards (FARB) model application to see if they would like to adopt some of the questions for the chiropractic application.

Hansmeyer asked the Board if they wanted to consider some type of competency test when a person wants to reinstate his/her license, but haven't practiced for a number of years. She said that the Dentistry Board has a regulatory requirement that an individual who has not practiced within five (5) years be required to take credits examinations to determine competency.

The Board was asked to review all of the regulations to see if changes are needed.

Motion on Continuing Education

Davis moved that the Board members be given continuing education credit for time spent in developing and administering the licensing examinations through the National Boards of Chiropractic Examiners. The motion died for lack of a second.

Earhart said that he understood Davis' motion, but they as Board member have to be careful not to give the appearance of being able to do certain things because they are board members. Hanssen agreed and wants the Board to stay above reproach.

Motion on Continuing Education

Davis moved, seconded by Earhart, to recommend that the Board consider reviewing continuing education regulations in order to include more expended areas, such as board members attending, administering and developing examinations through the National Boards of Chiropractic Examiners. Voting aye: Scholl and Davis. Voting nay: Hanssen and Earhart. Not voting: None. Motion failed.

GENERAL CHIROPRACTIC COUNCIL

FITNESS TO PRACTICE REPORT 2005 (Attachment F)

Hansmeyer received a report from the General Chiropractic Council regarding their code of practice and standards of proficiency and brought this information to the Board so they could see what other countries are doing. This report is for informational purposes only and requires no action on the part of the Board.

CCE-US RECIPROCAL WITH FOREIGN DOCTOR OF CHIROPRACTIC PROGRAMS

(Attachment G)

National Boards of Chiropractic Examiners (NBCE) sent questionnaires to all state board officers regarding CCE-US reciprocal with foreign doctor of chiropractic Programs. They wrote that NBCE and many state boards relied on the reciprocal agreements to establish eligibility. Furthermore, many state boards have relied on NBCE to verify and affirm for them that foreign

Chiropractic Bd. Mtg. Minutes

March 23, 2006

Page 5

educated licensure applicants, with NBCE examination scores, had in fact attended a DCP that is, or was, accredited by a chiropractic accrediting agency recognized by the United States Department of Education via reciprocal agreements. Without active reciprocal agreements the NBCE no longer has a direct manner of affirming for the state boards that a foreign DCP is recognized by the US Department of Education, or has any equivalency to CCE-US accredited programs.

Hansmeyer shared the questions and her answers with the Board because she said that they might see this information at the FCLB's annual or district meetings.

Recess at 4:00 p.m.

Reconvened at 4:06 p.m.

OLD BUSINESS

Part IV Examination

The Board will not participate in the administration of Part IV, NBCE practical examination in May and will name representatives to participate in the November examination at the September board meeting.

Cost of Laptop Computers

Hansmeyer explained the process involved in purchasing laptop computers and said that the legislators appropriate money by giving entities a certain amount of spending authority. In the past the spending authority has been more than what is actually spent, but this biennium they decided to cut the funds back. Your Board has money, but it does not have the authority to spend it. Hansmeyer suggested that the board make a motion to purchase laptop computers, but explained that it might be 2008 before the authority is given to make the purchase.

Motion on Laptop Computers

Earhart moved, seconded by Davis, to approve purchase of laptop computers for the Board of Chiropractic and staff working with the board. Voting aye: Davis, Scholl, Earhart and Hanssen. Voting nay: None. Not voting: None. Motion carried.

Manage Care Providers (ACN Group)

This subject was covered in closed session.

Chiropractic/Veterinary Issue

Earhart stated that he would like to discuss the issue of chiropractors treating animals while working with veterinarians. Several months ago, he received a letter from Helen Meeks, Director of Credentialing, informing him of the Department's opinion that treating animals is not within the chiropractic scope of practice. Earhart wanted to do further research on this issue and present it at the September board meeting.

Recess 4:00 p.m.

Re-convened at 4:06 p.m.

NEW BUSINESS

Fee Review (Attachment H)

Hansmeyer presented information regarding the Licensure Fee Review for 2007-2008. The worksheet provides revenue and expenditures, which results in the cost per credential. Scholl moved, seconded by *Chiropractic Bd. Mtg. Minutes*

March 23, 2006

Page 6

Earhart, to increase the licensure renewal fee from \$175.00 to \$198.00 plus the LAP fee of \$2.00 for the 2007-2008 period. Voting aye: Scholl, Davis, Hanssen and Earhart. Voting nay: None. Not voting: none. Motion carried.

Board/Staff Duties & Responsibilities (Attachment I)

Davis moved, seconded by Scholl, to approve the board/staff duties and responsibilities list as presented. Voting aye: Davis, Hanssen, Earhart and Scholl. Voting nay: None. Not voting: None. Motion carried.

Re-Affirmation of Mail Ballots

Scholl moved, seconded by Davis, to re-affirm the Board's approval of licensure for Jeremy Happ. Voting aye: Hanssen, Earhart, Scholl and Davis. Voting nay: None. Not voting: None. Motion carried.

Licensure Renewal Audit

Earhart moved, seconded by Davis, to audit 15% of the licensees during the 2006 renewal period. Voting aye: Earhart, Scholl, Davis and Hanssen. Voting nay: None. Not voting: None. Motion carried.

MISCELLANEOUS

Next Board Meeting

The next board meeting will be held on Friday, September 15, 2006, 9:00 a.m. at the Nebraska State Office Building in Lincoln, Nebraska.

ADJOURNMENT

There being no further business, the meeting was adjourned at 5:00 p.m.

Respectfully submitted,

Lance Earhart, DC, Secretary

Prepared by Delores Y. James, Credentialing Coordinator